

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506  
 Mail: PO Box 40919, Olympia, WA 98504-0919  
 Phone: (360) 570-7300 Fax: (360) 570-7334 E-mail: filing@perc.wa.gov

DO NOT WRITE IN THIS SPACE

## PETITION FOR CLARIFICATION OF BARGAINING UNIT

☐ Amended Petition in Case ..... - C - ..... - .....

Instructions: Other side of this form (page 2)      Applicable Rules: Chapters 10-08, 391-08, and 391-35 WAC.

**1. PARTIES** The employer and/or employee organization request resolution of a dispute about an existing bargaining unit.

<p><b>EMPLOYER</b></p> <p>.....</p> <p>CONTACT PERSON .....          ADDRESS .....          .....          CITY, STATE, ZIP .....          TELEPHONE ..... ext. ....          FAX .....          E-MAIL .....</p>	<p><b>ATTORNEY OR REPRESENTATIVE</b></p> <p>.....</p> <p>ADDRESS .....          .....          CITY, STATE, ZIP .....          TELEPHONE ..... ext. ....          FAX .....          E-MAIL .....</p>
<p><b>EMPLOYEE ORGANIZATION</b></p> <p>.....</p> <p>CONTACT PERSON .....          ADDRESS .....          .....          CITY, STATE, ZIP .....          TELEPHONE ..... ext. ....          FAX .....          E-MAIL .....</p>	<p><b>ATTORNEY OR REPRESENTATIVE</b></p> <p>.....</p> <p>ADDRESS .....          .....          CITY, STATE, ZIP .....          TELEPHONE ..... ext. ....          FAX .....          E-MAIL .....</p>

RELATIONSHIP	EMPLOYER'S PRINCIPAL BUSINESS	DEPARTMENT OR DIVISION INVOLVED	NUMBER OF EMPLOYEES IN UNIT
DESCRIPTION OF BARGAINING UNIT <i>Indicate inclusions, exclusions, contract page or case/decision number.</i>			

**HISTORY** This bargaining relationship has existed since .....

**COLLECTIVE BARGAINING AGREEMENT** *Indicate one.*

- ☐ The parties have never had a contract; OR  
☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.

**STATUS OF NEGOTIATIONS** *Indicate one.*

- ☐ The parties have a "closed" contract at this time  
☐ The parties are currently in contract negotiations

**2. IDENTIFICATION OF DISPUTED POSITIONS** *For each position, classification or group of employees at issue, list the following:*

TITLE OR DESCRIPTION / NUMBER OF EMPLOYEES    NOW INCLUDED/EXCLUDED    PARTY SEEKING CHANGE    REASON FOR PROPOSED CHANGE

**3. OTHER INTERESTED ORGANIZATIONS** *Check one.*

- ☐ No other organization is known which claims or may claim the employees involved.  
☐ ADDITIONAL SHEETS ARE ATTACHED identifying other employee organizations which claim or may claim to represent the employees involved.

**4. OTHER RELEVANT FACTS** *Indicate if applicable.*

- ☐ Additional information is set forth on separate sheets of paper attached to this petition.

**5. AUTHORIZED SIGNATURES**

FOR EMPLOYER

PRINT NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FOR EMPLOYEE ORGANIZATION

PRINT NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**INSTRUCTIONS FOR UNIT CLARIFICATION FORM*****{Do not file this sheet with PERC}***

**A. RULES** The Public Employment Relations Commission (PERC) processes unit clarification cases under Chapters 391-35, 391-08, and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at [www.perc.wa.gov](http://www.perc.wa.gov).

**B. WHO CAN FILE** Only the employer and/or the exclusive bargaining representative (the parties to the bargaining relationship) can file or process a unit clarification case. Individual employees do not have legal standing to file or process these cases.

**C. WHEN TO FILE** The employer and/or union filing a unit clarification petition must comply with the following time limitations:

WAC 391-35-020 TIME FOR FILING PETITION . . . (1) A unit clarification petition may be filed at any time, with regard to:

- (a) Disputes concerning positions which have been newly created by an employer.
- (b) Disputes concerning the allocation of employees or positions claimed by two or more bargaining units.
- (c) Disputes under WAC 391-35-300 concerning a requirement for a professional education certificate.
- (d) Disputes under WAC 391-35-310 concerning eligibility for interest arbitration.
- (e) Disputes under WAC 391-35-320 concerning status as a confidential employee.
- (f) Disputes under WAC 391-35-330 concerning one-person bargaining units.

(2) A unit clarification petition concerning status as a supervisor under WAC 391-35-340, or status as a regular part-time or casual employee under WAC 391-35-350, is subject to the following conditions:

(a) The signing of a collective bargaining agreement will not bar the processing of a petition filed by a party to the agreement, if the petitioner can demonstrate that it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class through a unit clarification proceeding, and it filed the petition prior to signing the current collective bargaining agreement.

(b) Except as provided under subsection (2)(a) of this section, the existence of a valid written and signed collective bargaining agreement will bar the processing of a petition filed by a party to the agreement unless the petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class.

The same rule contains additional limitations on the results of unit clarification proceedings.

**D. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

**PARTIES**

- C Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.
- C The named "Employee Organization" must be the incumbent exclusive bargaining representative of the bargaining unit to be clarified.

**RELATIONSHIP**

- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- C Indicate how long the employer and the incumbent exclusive bargaining representative have had a bargaining relationship.
- C ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).
- C Indicate the status of any current contract negotiations between the parties.

**DISPUTED POSITIONS** Identify the positions in dispute. If more space is needed, ATTACH ADDITIONAL SHEETS with the information.

**OTHER ORGANIZATIONS** If some other employee organization claims, or may claim, to represent the disputed employees/positions, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.

**E. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to [filing@perc.wa.gov](mailto:filing@perc.wa.gov) PLUS mail the original papers to PERC's Olympia office on the same day.

**F. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

**G. NORMAL CASE PROCESSING** The steps that usually occur in unit clarification cases are described in materials available under the "SERVICES" tab on the PERC website: [www.perc.wa.gov](http://www.perc.wa.gov).